REMARKS

By this Amendment, claims 1, 9 and 20 are amended. Claims 7 and 14 are canceled. Applicant hereby requests further examination and reconsideration of the application in view of the foregoing amendment and the remarks that follow.

Rejection of Claims 1-20 under 35 U.S.C. §§ 102, 103

Claims 1, 3-6, 9, 10, 13 and 20 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Franke et al. (U.S. Patent No. 6,411,328). Claims 15-18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Franke et al. in view of Lemelson (U.S. Patent No. 5,983,161). Claims 2, 7, 8, 11, 12, 14 and 19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Franke et al. in view of Schofield et al. (U.S. Patent No. 6,302,545). Claims 7 and 14 have been canceled. Applicant respectfully traverses the rejection of the remaining claims.

Anticipation requires the presence in a single prior art reference "disclosure of each and every element of the claimed invention, arranged as in the claim." *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 730 F.2d 1452, 221 USPQ 481, 485 (Fed. Cir. 1984) (citing *Connel v. Sears, Roebuck & Co.*, 722 F.2d 1542, 220 USPQ 193 (Fed. Cir. 1983). Similarly, to establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 180 USPQ 580 (C.C.P.A. 1974). See also *In re Wilson*, 165 USPQ 494 (C.C.P.A. 1970). Claims 1, 9 and 20 have been amended to present the subject matter originally claimed in claims 7 and 14.

None of the references, Franke et al., Lemelson et al., or Schofield et al. disclose, teach or suggest a method for providing warnings to a user of a system upon detection of a warning condition, comprising: capturing an image of at least a portion of a system; processing the captured image in real time for determining if the warning condition exists; monitoring a warning system capable of detecting if the warning condition exists for verifying the existence of the warning condition; and determining whether the warning system also detects the warning condition; whereupon, if the warning condition is determined to exist, providing a warning to the user as presently claimed in claim 1; an apparatus for providing warnings to a user of a system upon

detection of a warning condition within the system, comprising: at least one image capture device for monitoring at least a portion of the system, said image capture device being capable of capturing an image of the portion of the system being monitored; a secondary warning system for detecting the warning condition; an image processing assembly for processing the image captured by the image capture device and determining whether the secondary warning system detects the warning condition; and a warning device for providing a warning to the user; wherein the image processing assembly processes the image captured by the image capture device in real time for determining if the warning condition exists and upon determining that the warning condition exists, verifies the existence of the warning condition from the secondary warning system and causes the warning device to provide a warning to the user as presently claimed in claim 9; or an apparatus for providing warnings to a user of a system, comprising: means for capturing an image of at least a portion of a system; means for processing the captured image; means for detecting a warning condition in the system; and means for providing a warning to the user; wherein the processing means processes the captured image for determining if a warning to the user is warranted by comparing the captured image to a reference, and upon determining that a warning is warranted, verifies that the warning is warranted using the warning condition detecting means and causes the warning means to provide a warning to the user, as presently claimed in claim 20.

As noted by the Patent Office, Franke et al. fails to disclose teach or suggest a secondary warning system for detecting the warning condition, wherein the image processing assembly verifies the existence of the warning condition from the secondary warning system as presently claimed.

The ancillary references, Schofield et al. and Lemelson et al. do not remedy this defect in the Franke et al. reference. Instead, Schofield et al., in the relevant passages cited by the Patent Office, teaches that

> A video signal from the photosensor array 32 may also be used by the logic and control circuit 34 to determine the presence of a vehicle or other object within the field of view of the photosensor array 32 to provide a visual signal warning such as through a display panel, or even an audible warning, based on certain parameters, such as distance and speed of the object. Additionally, if the photosensor array 32 is located in the rearview mirror 1, the video signal may be used to monitor the

> vehicle's interior to detect unauthorized intrusion into the vehicle. This may be achieved by providing electrical power to the mirror's logic and control circuit 34 from a vehicle power supply and by activating a vehicle intrusion monitoring mode when a signal indicates that the vehicle's door and trunk locks have been activated. The logic and control circuit 34 may be used to continuously monitor the image from the vehicle's interior thereby allowing detection of objects or persons moving within the vehicle, and if movement is detected, another signal from the logic and control circuit 34 may then activate an intrusion alarm.

Schofield et al., column 14, lines 6-25 (emphasis added). Thus, Schofield et al. teaches only that photosensor array 32 of the system disclosed may be used for more than one purpose (i.e., detecting a vehicle and detecting an intruder). Schofield nowhere teaches the provision of a secondary system that is monitored for verifying that a warning condition does in fact exist. Similarly, Lemelson et al. discloses various image processing method using parallel processing techniques, neural network techniques, and fuzzy logic implementation (an expert system) to aid a GPS vehicle collision avoidance system. Thus, Lemelson et al. also does not teach or suggest the provision of a secondary system that is monitored for verifying that a warning condition does in fact exist. Moreover, there exists no suggestion or motivation for modifying the Franke et al, Schofield et al. and Lemelson et al. references to provide this teaching.

Accordingly, it is submitted that that the cited references, Franke et al., Schofield et al. and Lemelson et al., and the prior art in general, fail to teach or suggest the claimed invention. Withdrawal of the rejections of claims 1-6, 8-13, and 15-20 under 35 U.S.C. §§ 102,103 is therefore respectfully requested.

Art Made of Record Not Relied On

Applicants will not burden the record with a discussion of art not specifically applied to the claims.

CONCLUSION

In view of the forgoing, it is submitted that the claims are in condition for allowance. Reconsideration of the claims is requested, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

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